

REMARKS

Claims 1-41 will be pending upon entry of the present amendment. Claims 30-38 were allowed. Claim 1 is being amended. Claims 39-41 are new. No new matter is presented.

One embodiment is a method that synchronizes a carrier frequency of a carrier signal of a mobile station with a carrier frequency of a carrier signal of a base station based on temperature changes and location changes. In particular, the method separately determines or predicts frequency variations due to temperature changes and frequency variations due to location changes. In addition, the synchronizing occurs more often when large frequency variations are determined/predicted than when small frequency variations are determined/predicted. By determining or predicting temperature-based frequency variations separating from determining or predicting location-based frequency variations, the method allows the synchronization to occur even when a signal between the mobile and base stations is lost.

Claims 1-29 were rejected under 35 U.S.C. § 101 as not falling within one of the four statutory classes of invention.

Claim 1 satisfies Section 101 because it recites a process that does not embrace a judicially recognized exception and is directed to a particular practical application. In particular, claim 1 is directed to a telecommunications method that synchronizes a carrier frequency of a carrier signal of a mobile station with a carrier frequency of a carrier signal of a base station based on temperature changes and location changes. It is beyond doubt that such synchronizing of a mobile station carrier signal with a base station carrier signal is a particular practical application in that it is fundamental to all mobile telecommunications systems.

Turning to the Federal Circuit's *Bilski* machine or transformation analysis that is being evaluated by the U.S. Supreme Court, Applicants submit that claim 1 satisfies the transformation test. Under the transformation test, a process is directed to a particular practical application if the process particularly transforms a particular article to a different state or thing. In claim 1, the article being transformed is the carrier signal of the mobile station when it is synchronized with the carrier signal of the base station. It seems clear that synchronizing a mobile station carrier signal with a base station carrier signal is transforming the mobile station

carrier signal to a different state based on temperature and motion, so the only remaining question is whether the mobile station carrier signal is an “article” under the transformation test.

Applicants submit that the mobile station carrier signal recited in claim 1 is an “article” under the transformation test. The “Interim Examination Instructions For Evaluating Subject Matter Eligibility” issued August 24, 2009 (“Examination Instructions”), defines “article” as follows:

An “article” includes a physical object or substance. The physical article or substance must be particular, meaning it can be specifically identified. An article can also be electronic data that represents a physical object or substance. For the test, the data should be more than an abstract value. Data can be specifically identified by indicating what the data represents, the particular type or nature of the data, and/or how or from where the data was obtained. (page 5)

In listing electronic data as an example of such an article, the Examination Instructions are clearly contemplating that signals are also articles within the meaning of the transformation test. After all, such electronic data are nothing more than representations of physical signals. Moreover, the carrier signal in claim 1 is specifically identified as the carrier signal of a mobile station, and thus, is a particular signal rather than encompassing all signals.

Applicants also submit that amended claim 1 satisfies the “machine” test of *Bilski*. In particular, claim 1 is being amended to recite that it is a machine-implemented process. In addition, synchronizing a mobile station carrier signal with a base station carrier signal is inherently a machine-implemented step.

For at least the foregoing reasons, amended claim 1 is directed to statutory subject matter. Claims 2-29 depend on claim 1, and thus, are also statutory.

New claims 39-41 also depend on claim 1, and thus, are also statutory. In addition, claims 39-41 recite particular structures implementing one or more steps. According, claims 39-41 are in condition for allowance.

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The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
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